THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SAUNDRA ELION,)
)
Plaintiff,)
)
v.) Civil Action No. 05-0992 (PLF)
)
ALPHONSO R. JACKSON,)
Secretary of the)
U.S. Dept. of Housing and)
Urban Development,)
)
Defendant.)
______________________________________)

DEFENDANT'S MOTION FOR LEAVE TO SUPPLEMENT DEFENDANT'S PROPOSED TRIAL EXHIBIT LIST

Pursuant to Fed. R. Civ. P. 7 and Local Rule 16(a)(2), Defendant respectfully seeks leave of Court to amend the Joint Pretrial Statement by supplementing Defendant's Proposed Trial Exhibit List, with six additional exhibits. The parties conferred and Plaintiff intends to oppose this Motion.

On Friday February 22, 2008, during trial preparation, Defendant discovered that its has certain documents that may be relevant to the claims and defenses in this case. To that end, Defendant forwarded the documents to Plaintiff on the same day, via e-mail in pdf format. Therefore, once Defendant discovered their existence, Defendant forwarded them to Plaintiff as soon as practicable. Defendant intends to use some of these documents as trial exhibits. These documents are not unfairly prejudicial to either party and would aid the jury and the Court in understanding the factual background of the essential issues in this case.

Accordingly, Defendant seeks leave of Court to supplement its Proposed Trial Exhibits to include the following six exhibits (sequentially numbered from Defendant’s proposed list):

38. March 22, 2004 E-mail from Michael Phelps re: Conference Agenda.

39. March 26, 2004 E-mail from Randy McGinnis re: Financial Audit Planning for FY 2004.

40. April 14, 2004 Email from Randy McGinnis re: Staffing Request – Financial Statement Audit.

41. April 16, 2004 E-mail from Mr. Phelps attaching a draft memorandum on the realignment of the Headquarters Audit Division and reassignment of its staff.

42. April 19, 2004 E-mail from Mr. James Heist attaching redline edits to the draft memorandum on the realignment of the Headquarters Audit Division and reassignment of its staff.

43. Headquarters Office of Audit organization chart, circa April 2004.

Dated: February 25, 2008.

Respectfully Submitted,

/s/ Jeffrey A. Taylor
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United States Attorney

/s/ Rudolph Contreras
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Attorneys for Defendant

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Defendant.)
_______________________________________)

ORDER

Upon consideration of Defendant's Motion for Leave to Supplement Defendant's Proposed Trial Exhibits, Plaintiff's Opposition thereto, and the entire record herein, it is this

_____ day of ____, 2008,

ORDERED that Defendant's Motion for Leave to Supplement Defendant's Proposed Trial Exhibits be and is hereby GRANTED; and it is

FURTHER ORDERED that the following exhibits be and are hereby SUPPLEMENTED to Defendant's Proposed Trial Exhibits:

38. March 22, 2004 E-mail from Michael Phelps re: Conference Agenda.

39. March 26, 2004 E-mail from Randy McGinnis re: Financial Audit Planning for FY 2004.

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43. Headquarters Office of Audit organization chart, circa April 2004.

SO ORDERED.

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U. S. District Court